

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHEN M. FRATELLO,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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13-CV-4339 (VSB) (JLC)

ORDER

Appearances:

Stephen Mitchell Jackel
Law Office of Stephen M. Jackel
New York, New York
Counsel for Plaintiff

Jeremy Asen Linder
Social Security Administration
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff Stephen M. Fratello brings this action pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(G), seeking judicial review of a final decision of Defendant the Commissioner of Social Security (the “Commissioner”), denying his applications for disability insurance benefits and supplemental security income benefits. On March 18, 2014, Plaintiff moved for judgment on the pleadings. (Doc. 15.) On June 30, 2014, Defendant cross-moved for judgment on the pleadings. (Doc. 20.) This case was referred to Magistrate Judge James L. Cott for a report and recommendation on the cross-motions. (Doc. 3.) Before me is Judge Cott’s August 26, 2014 Report and Recommendation, (Doc. 24), which recommends that judgment on the pleadings be granted in favor of Plaintiff.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y.1985).

Here, although the Report and Recommendation provided that “the parties shall have fourteen (14) days from the service of this Report to file written objections,” (Report and Recommendation 26), neither party has filed an objection. I have reviewed Judge Cott’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

Judgment on the pleadings is granted in favor of Plaintiff, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

The Clerk’s Office is respectfully directed to terminate Docs. 15 and 20, and to enter judgment remanding this case.

SO ORDERED.

Dated: October 9, 2014
New York, New York


Vernon S. Broderick
United States District Judge